# Hill Conferees Vote Repeal of No-Knock

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House-Senate conferees have agreed on a measure that would repeal the controversial powers granted police in D.C. to enter and search dwellings without knocking and identifying themselves.

If the action of the conferees is upheld as expected by the full House and Senate, authority would be revoked for police to obtain the no-knock search and arrest warrants prescribed in the 1970 D.C. crime act.

Police now may obtain the no-knock warrants by persuading a court that a regular search warrant could lead to destruction of evidence or permit a suspect to escape.

"I think this means that Congress has resurrected its veneration for the Fourth Amendment to the Constitution," which provides protection against unreasonable searches, Sen. Sam J. Ervin (D-N.C.) said yesterday. Ervin led the Senate conferees in persuading the House conferees to accept repeal of the D.C. no-knock provision. The conferees met Monday in an unannounced closed session.

D.C. police have not used no-knock warrants since October, 1971. In all, they sought and obtained court permission to enter a residence without knocking a total of five times since the crime act was signed by former President Nixon in February, 1971.

However, the existence of authority for the issuing of no-knock warrants has been a symbol of repression of civil libertarians who strenuously had opposed its adoption.

The Senate on July 11 had voted to repeal authority for

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no-knock warrants in both the D.C. Crime Act and the 1970 federal Drug Abuse Prevention Act.

A month later the House voted to repeal no-knock authorizaon in the national drug abuse law but left law enforcement officers free to seek no-knock warrants in the District.

The conferees met to resolve the differences in the House and Senate actions. The no-knock repeal provisions voted by both bodies were contained in a routine financial authorization for the U.S. Drug Enforcement Administration.

"I think the laws of America should be the same all over. Why should the District be different?" state Rep. Harley O. Staggers (D-W. Va.) yesterday in explaining why the House conferees gave in to the Senate. Staggers, chairman of the House Commeree Committee, was the senior House conferee.

Staggers said the Commerce Committee, which dafted the House version of the bill, had considered repealing the D.C. no-knock authority, but did not at the request of Rep. Ancher Nelsen (R-Minn.). Nelsen is ranking GOP member of the House District Committee and one of the main authors of the 1970 D.C. Crime Act.

"We listened to the argument of Sam Ervin to get back to the Constitution and he made a good argument," said Staggers. He said he also had received requests from D.C. Mayor Walter E. Washington and from House District Committee Chairman Charles C. Diggs Jr. (D-Mich.) for the House conferees to agree to repeal the D.C. no-knock authority.

Nelsen, a House Commerce Committee member, also one of the conferees, said he argued for retention of no-knock in D.C., "but I didn't have the votes."

Nelsen said he believes no-knock warrants protect citizens by requiring police to appear before a magistrate to obtain permission to enter without knocking. He noted that even with regular search warrants, police may enter a dwelling without knocking if they think knocking would endanger lives.

Congressional sources said a last-minute lobbying effort against repeal of the D.C. no-knock provision was made by the acting U.S. attorney for the District, Earl Silbert.

Silbert denied engaging in any lobbying. He said he had several objections to the Senate bill that he made known to Justice Department officials who, in turn, relayed them to congressional staff members.

Silbert said he objects to a provision in the Senate bill that would repeal a section of the D.C. Crime Act prohibiting destruction of evidence. However, an aide to Ervin said the same prohibition is already contained in four other sections of the U.S. and District criminal codes.

"I just feel that it's better to allow a few criminals to escape than it is to destroy or crucify on an altar of fear or doubt the principle that every man's home is his castle," Ervin said.

Previously he said the no-knock measures were approved by Congress in a "period of hysteria" over crime.

The White House and Justice Department pushed strongly for authorization of no-knock warrants to help fulfill former President Nixon's 1968 campaign pledge to reduce crime in Washington.

Ervin said yesterday that Mr. Nixon and his former Attorney General, John Mitchell, took a "heavy-handed" approach and were too much concerned about "law and order" at the expense of "law and justice."

While the D.C. law was approved, the Rev. David Eaton, senior minister of All Souls Unitarian Church, told his Sunday worshipers to shoot anyone who broke into their homes without a warrant.

The day the law took effect, political activist Julius Hobson Sr. publicly vowed to shoot any policeman entering his home under the no-knock provision.

D.C. police have used no-knock warrants in three narcotics and two gambling cases. At least one convition has been handed down as the result of a no-knock said.

However, police decided to stop using the no-knock warrants for fear of injuries to police and occupants of homes. "There might be a shootout. That's not what we want," Geoffrey Alprin, former general counsel, for the D.C. police, once said.

Vernon S. Gill, the present D.C. police general counsel said yesterday the conferees' action "is not going to seriously impede law enforcement in D.C. It was not a very effective law enforcement tool to begin with."

Support in both the House and Senate for repeal of the no-knock section of the federal drug abuse law was generated by widely publicized mistaken drug raids by U.S. narcotics officers in Collinsville, Ill, in April, 1973. They raided two homes and terrorized the occupants until they realized they had gone to the wrong addresses.

According to a Senate report, federal drug agents since July, 1973, have had only three no-knock warrants authorized and have used only one.